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26 Attorneys for Defendants
27 John Rynhart
28 Lyle Thomas

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 EUREKA DIVISION

22 Michael Izell Seals,

CASE NO. C-04-3764 NJV

23 Plaintiff,

**JOINT STIPULATION AND [PROPOSED]
ORDER ADOPTING AN ABBREVIATED
BRIEFING SCHEDULE ON PLAINTIFF'S
MOTION FOR A PROTECTIVE ORDER
REGARDING THE REASONABLENESS OF
EXPERT FEES**

24 v.

25 Officer Rodney K. Mitchell, et al.

26 Defendants.

1 Plaintiff Michael Izell Seals and Defendants John Rynhart and Lyle Thomas submit this
 2 Joint Stipulation and [Proposed] Order Adopting an Abbreviated Briefing Schedule on Plaintiff's
 3 Motion for a Protective Order Regarding the Reasonableness of Expert Fees.

4 Plaintiff disputes the reasonableness of the fee charged by Defendants' medical expert,
 5 Dr. Peter N. Sfakinaos, for deposition time under Fed. R. Civ. P. 26(b)(4)(E). Defendants have
 6 declined to reduce Dr. Sfakianos's deposition fee. The parties have met and conferred on the
 7 issue and exchanged correspondence outlining their positions. The parties do not believe the
 8 dispute is complex and have narrowed the issues for the Court's consideration through the meet
 9 and confer process. The parties believe the most expeditious and cost-effective method for
 10 submitting their dispute to the Court would be to submit letter briefs on the issue and allow the
 11 Court to rule on the reasonableness of Dr. Sfakianos's fee. The parties therefore jointly request
 12 the Court adopt the Order outlined below which would allow the parties to submit (1) letter
 13 briefs not to exceed four pages outlining their positions regarding the reasonableness of
 14 Dr. Sfakianos's deposition fee and (2) declarations appending Dr. Sfakianos's fee schedule, the
 15 parties' correspondence on the issue, portions of Dr. Sfakianos's deposition transcript, or any
 16 other material relevant to the Court's analysis. The parties would submit the matter to the
 17 Court's consideration without a hearing.

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19 Dated: April 4, 2011

LATHAM & WATKINS LLP

20 Alfred Pfeiffer
 21 Ashley M. Bauer
 22 Rahul Kolhatkar
 23 Christopher J. Carlberg

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23 By /s/Rahul Kolhatkar
 24 _____
 25 Rahul Kolhatkar
 26 Attorney for Plaintiff
 27 Michael Izell Seals

1 Dated: April 4, 2011

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Mark A. Jones
Kristen K. Preston

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By /s/Mark A. Jones
Mark A. Jones
Attorney for Defendants
John Rynhart
Lyle Thomas

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ORDER

3 The Court having considered the foregoing stipulation of the parties, and good cause
4 appearing, therefore the Court hereby ORDERS as follows:

5 1. No later than five (5) days from the date of this Order, the parties shall submit
6 letter briefs not to exceed four (4) pages outlining their positions regarding the reasonableness of
7 Dr. Sfakianos's deposition fee.

8 2. The parties may also submit declarations in support of their letter briefs.

9 The dispute as to the reasonableness of Dr. Sfakianos's fee will be submitted for the
10 Court's consideration without a hearing.

11 PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 12, 2011

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HON. NANDOR J. VADAS
United States Magistrate Judge

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